

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES J. CIGELSKE, JR.
and RICHARD M. ACHTNER

Appeal 2007-3419
Application 10/065,571
Technology Center 1700

Decided: November 5, 2007

Before THOMAS A. WALTZ, PETER F. KRATZ, and CATHERINE Q.
TIMM, *Administrative Patent Judges*.

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DECISION ON APPEAL

1 Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
decision rejecting claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

I. BACKGROUND

The invention relates to a welding apparatus including an enclosure (12), an end panel (14, 16), and a base (26) (Fig. 1), and a method of assembling the end panel to the base. The base includes a snap (42) that engages a ramp (60) on the end panel (Fig. 4). Claims 1 and 17 are illustrative of the subject matter on appeal:

1. A welding apparatus comprising an enclosure, an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel, the base having at least one snap having a distal end with an opening therein and extending outwardly from the end of the panel [sic; base], the end panel having at least one ramp formed thereon that is generally in alignment with the at least one snap, whereby the distal end of the at least one snap is engaged to the at least one ramp to retain the end panel to the base.

17. A method of assembling a [sic; an] end panel to the base of a welding apparatus, the method comprising the steps of:

providing a molded base with at least one snap having a distal end and an elongated opening formed therein, the at least one snap extending outwardly therefrom,

providing a molded plastic panel having at least one inclined ramp formed thereon leading to a vertical rear wall and having a recess formed proximate the rear wall,

inserting the molded base into the molded plastic panel to cause the snap to ride upwardly along the inclined ramp and enter into the recess to lock the distal end of the at least one snap against the rear wall of the at least one ramp to retain the base to the end panel.

Appellants request review of the Examiner's rejection of claims 1-23 under 35 U.S.C. § 103(a) as unpatentable over Katooka et al. (US 5,831,240 issued Nov. 3, 1998).

II. DISCUSSION

The dispositive issues on appeal arising from the contentions of Appellants and the Examiner are: (1) would it have been obvious to one of ordinary skill in the art to modify the structure of Katooka such that the base has “at least one snap having a distal end with an opening therein and extending outwardly from the end of the [base]” as required by claims 1, 10, and 17; and (2) would it have been obvious to one of ordinary skill in the art to assemble the end panel and base of Katooka by providing a base with a snap, providing a panel with a “ramp formed thereon leading to a vertical rear wall and having a recess formed proximate the rear wall,” and inserting the base into the panel to cause the snap and ramp to engage as required by claim 17?

We answer the first question in the affirmative, but the second question in the negative.

Katooka describes fastening a base and panel together by engaging a ramp (protrusion 312) with an associated through-hole (106) (Katooka, col. 6, ll. 5-17; Figs. 3a-d). In the fastening system of Katooka, the ramp (protrusion 312) is located on projection (310) which extends from the base (300), and the through-hole (106) is located in the end panel (100). But repositioning the ramp and through-hole would have been obvious to one of ordinary skill in the art. This is because the function of the two structures would remain the same: the ramp would still engage the hole to lock the associated panel and base together.

We agree with Appellants that the projection (310) acts as a snap. During fastening, it is the projection (310) that does the “snapping,” i.e.,

does the bending and popping into place necessary to lock the ramp and opening together. However, this locking mechanism is based on the ramp and opening association.

We agree with Appellants that the through-hole (106) is not in itself a “snap.” However, a “snap” is created when the location of the ramp and through-hole are switched. This is because the hole would be located in protrusion (310) and a ramp sized to fit within the hole would be located on panel (100). The result is a protrusion (310) acting as a snap and “having a distal end with an opening therein and extending outwardly from the end of the panel” as claimed.

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007). Here, the functions of the through-hole and ramp remain the same, and the result of swapping their location is predictable. Modifying the location of the hole and ramp would have been within the capabilities of those of ordinary skill in the art. “A person of ordinary skill is also a person of ordinary creativity, not an automaton.” *KSR*, 127 S. Ct. at 1742.

Turning to the further issue raised for claim 17, we agree with Appellants that Katooka does not describe all the additional limitations of that claim. When modifying the fastening system of Katooka by placing the ramp on the panel (100), there is no suggestion of including a recess proximate a rear wall as required by the claim.

III. CONCLUSION

We determine that it would have been obvious to one of ordinary skill in the art to modify the structure of Katooka such that the base has “at least one snap having a distal end with an opening therein and extending outwardly from the end of the [base]” as required by claims 1, 10, and 17. However, we determine that it would not have been obvious to one of ordinary skill in the art to assemble the end panel and base of Katooka by providing a base with a snap, providing a panel with a “ramp formed thereon leading to a vertical rear wall and having a recess formed proximate the rear wall,” and inserting the base into the panel to cause the snap and ramp to engage as required by claim 17.

Therefore, we sustain the rejection of claims 1-16, 21, and 22, but do not sustain the rejection of claims 17-20 and 23.

IV. DECISION

The decision of the Examiner is affirmed-in-part.

AFFIRMED-IN-PART

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